

Adopted	Rejected
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## COMMITTEE REPORT

YES:	8
NO:	4

### MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred House Bill 1671, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 13-11-2-1.5, AS AMENDED BY P.L.1-2001,
- 4       SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JANUARY 1, 2004]: Sec. 1.5. "Acute hazardous waste", for purposes
- 6       of **section 117.5 of this chapter and** IC 13-22-4-3.1, has the meaning
- 7       set forth in 40 CFR Part 261.
- 8       SECTION 2. IC 13-11-2-89 IS AMENDED TO READ AS
- 9       FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 89. (a)
- 10      "Generator"; for purposes of IC ~~13-22-12~~, means a person that, during
- 11      the preceding year, generated hazardous waste in quantities greater
- 12      than:
- 13          (1) ~~one thousand (1,000) kilograms of hazardous waste; or~~
- 14          (2) ~~one (1) kilogram of acutely toxic waste in any month.~~
- 15      ~~(b)~~ "Generator", for purposes of IC 13-29-1, means a person who
- 16      produces or possesses low-level radioactive waste in the course of or

incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the United States Nuclear Regulatory Commission or a party state to produce or possess such waste. The term does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.

SECTION 3. IC 13-11-2-117.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 117.5. "Large quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

**(1) generates:**

**(A) one thousand (1,000) kilograms or more of hazardous waste;**

**(B) more than one (1) kilogram of acute hazardous waste; or**

**(C) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;**

**in any one (1) or more calendar months of a calendar year; or**

**(2) accumulates:**

**(A) more than one (1) kilogram of acute hazardous waste; or**

**(B) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;**

**at any time during the year.**

SECTION 7. IC 13-11-2-204.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 204.5. "Small quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:**

**(1) generates more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste in any one (1) or more calendar months of a calendar year; or**

**(2) accumulates more than one thousand (1,000) kilograms of hazardous waste at any time during the year."**

Page 1, line 16, delete "A" and insert "Subject to subsections (c)

1       **and (d), a".**

2       Page 2, between lines 1 and 2, begin a new paragraph and insert:

3       **"(c) A rule or standard adopted by a board may be more**  
 4       **stringent than a corresponding federal provision established under**  
 5       **federal law if:**

6               **(1) a designee of the board presents evidence to the**  
 7               **environmental quality service council that indicates why the**  
 8               **rule or standard should be more stringent than the**  
 9               **corresponding federal provision;**

10              **(2) the environmental quality service council makes a**  
 11              **recommendation to the general assembly that the rule or**  
 12              **standard should be more stringent than the corresponding**  
 13              **federal provision; and**

14              **(3) the general assembly enacts a statute that authorizes the**  
 15              **board to adopt a rule or standard that is more stringent than**  
 16              **the corresponding federal provision established under federal**  
 17              **law.**

18       **(d) If the environmental quality service council reviews a rule**  
 19       **or standard adopted by a board that is more stringent than a**  
 20       **corresponding federal provision established under federal law and**  
 21       **the environmental quality service council believes the rule or**  
 22       **standard should not be more stringent, the environmental quality**  
 23       **service council shall make a recommendation to the general**  
 24       **assembly that the general assembly should enact a statute to:**

25              **(1) void the rule or standard; and**

26              **(2) require the board to adopt a rule or standard that is not**  
 27              **more stringent than the corresponding federal provision**  
 28              **established under federal law.**

29       SECTION 6. IC 13-15-4-11, AS AMENDED BY P.L.184-2002,  
 30       SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31       JULY 1, 2003]: Sec. 11. (a) If an applicant is operating pursuant to a  
 32       continuation of an existing permit pending determination of an  
 33       application for a new or renewed permit under IC 13-15-3-6, the  
 34       applicant may proceed under this section after notifying the  
 35       commissioner in writing of its intent to do so.

36       (b) If the commissioner does not issue or deny a permit within the  
 37       time specified under sections 1 through 6 of this chapter, the applicant  
 38       may proceed under this section. **Except as provided in section 12.1 of**

**this chapter**, after reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement, the applicant may choose to proceed under one (1) of the following alternatives:

(1) The:

(A) applicant may request and receive a refund of a permit application fee paid by the applicant; and

(B) commissioner shall do the following:

(i) Continue to review the application.

(ii) Approve or deny the application as soon as practicable.

(iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(2) The:

(A) applicant may:

(i) request and receive a refund of a permit application fee paid by the applicant; and

(ii) submit to the department a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall do the following:

(i) Review the draft permit.

(ii) Approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

(iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(3) The:

(A) applicant may hire an outside consultant to prepare a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall:

(i) review the draft permit; and

(ii) approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

SECTION 7. IC 13-15-4-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. An applicant may not receive a refund of a permit application fee if the permit**

1 **application concerned the renewal of a permit.**

2 SECTION 8. IC 13-15-11-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. The  
4 environmental management permit operation fund is established for the  
5 purpose of providing money for permitting and directly associated  
6 activities of the **following programs of the department:**

7 (1) National Pollutant Discharge Elimination System **program**  
8 **including storm water permits.**

9 (2) Solid waste ~~and~~ **program.**

10 (3) Hazardous waste ~~programs of the department and the boards-~~  
11 **program.**

12 **(4) Safe drinking water program.**

13 SECTION 9. IC 13-18-20-2 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For industrial  
15 permits, other than coal mine permits or stone quarry permits, the  
16 annual base fee per facility is:

17 (1) one thousand **one hundred** dollars (~~\$1,000~~) (**\$1,100**) for a  
18 major permit; and

19 (2) four hundred **forty** dollars (~~\$400~~) (**\$440**) for a minor permit;  
20 plus the following annual discharge flow fee per facility:

21 Daily Average Actual

22 Flow in MGD	Fee
23 .001 - .05	<del>\$240</del> <b>\$264</b>
24 .051 - .1	<del>\$360</del> <b>\$396</b>
25 .101 - .2	<del>\$840</del> <b>\$924</b>
26 .201 - .3	<del>\$1,200</del> <b>\$1,320</b>
27 .301 - .5	<del>\$1,680</del> <b>\$1,848</b>
28 .501 - 1.0	<del>\$2,060</del> <b>\$2,266</b>
29 1.001 - 2.0	<del>\$3,600</del> <b>\$3,960</b>
30 2.001 - 5.0	<del>\$5,400</del> <b>\$5,940</b>
31 5.001 - 10.0	<del>\$8,400</del> <b>\$9,240</b>
32 10.001 - 15.0	<del>\$12,000</del> <b>\$13,200</b>
33 15.001 - 30.0	<del>\$16,800</del> <b>\$18,480</b>
34 30.001 - 50.0	<del>\$22,800</del> <b>\$25,080</b>
35 50.001 - 100.0	<del>\$28,800</del> <b>\$31,680</b>
36 > 100.0	<del>\$34,800</del> <b>\$38,280</b>

37 Annual flow fees are reduced by twenty percent (20%) for discharges  
38 that are comprised of greater than ninety percent (90%) of non-contact

1 cooling water.

2 SECTION 10. IC 13-18-20-3 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. Each facility  
 4 for which a coal mine operator files a notice of intent under the general  
 5 coal mine permit rules adopted under IC 13-18-18 shall pay an annual  
 6 fee of five hundred **fifty** dollars (~~\$500~~) (**\$550**) instead of the following  
 7 individual permit fees. The annual fee must accompany the initial  
 8 notice of intent and is due each year on the anniversary date of the date  
 9 when the initial notice of intent was filed.

10 Outfalls	Fee
11 1 Outfall	<del>\$500</del> <b>\$550</b>
12 2-3 Outfalls	<del>\$750</del> <b>\$825</b>
13 4-6 Outfalls	<del>\$1,000</del> <b>\$1,100</b>
14 7-10 Outfalls	<del>\$1,500</del> <b>\$1,650</b>
15 11-20 Outfalls	<del>\$2,500</del> <b>\$2,750</b>
16 21-99 Outfalls	<del>\$3,500</del> <b>\$3,850</b>

17 SECTION 11. IC 13-18-20-4 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. For stone  
 19 quarry permits, the annual fee is as follows:

20 Outfalls	Fee
21 1 Outfall	<del>\$750</del> <b>\$825</b>
22 2 Outfalls	<del>\$1,500</del> <b>\$1,650</b>
23 3 Outfalls	<del>\$2,000</del> <b>\$2,200</b>
24 4 Outfalls	<del>\$2,500</del> <b>\$2,750</b>

25 SECTION 12. IC 13-18-20-8 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 8. For semipublic  
 27 permits, the annual base fee per facility is:

28 (1) ~~seven~~ **eight** hundred ~~fifty~~ **twenty-five** dollars (~~\$750~~) (**\$825**) for  
 29 a major permit; and

30 (2) two hundred **twenty** dollars (~~\$200~~) (**\$220**) for a minor permit;  
 31 plus the following annual discharge flow fee per facility:

32 Daily Average Design	Fee
33 Flow in MGD	
34 .001 - .05	<del>\$150</del> <b>\$165</b>
35 .051 - .1	<del>\$300</del> <b>\$330</b>
36 .101 - .2	<del>\$1,000</del> <b>\$1,100</b>
37 .201 - .3	<del>\$2,000</del> <b>\$2,200</b>
38 .301 - .5	<del>\$2,500</del> <b>\$2,750</b>

1	.501 - 1.0	<del>\$3,000</del> <b>\$3,300</b>
2	1.001 - 2.0	<del>\$3,500</del> <b>\$3,850</b>
3	2.001 - 5.0	<del>\$4,000</del> <b>\$4,400</b>
4	5.001 - 10.0	<del>\$5,000</del> <b>\$5,500</b>
5	10.001 - 15.0	<del>\$6,500</del> <b>\$7,150</b>
6	15.001 - 30.0	<del>\$7,500</del> <b>\$8,250</b>
7	30.001 - 50.0	<del>\$10,000</del> <b>\$11,000</b>
8	50.001 - 100.0	<del>\$11,000</del> <b>\$12,100</b>

9 SECTION 13. IC 13-18-20-9, AS AMENDED BY P.L.184-2002,  
 10 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JANUARY 1, 2005]: Sec. 9. **(a) Except as provided in subsection (b),**  
 12 for public water system permits, the annual base fee per facility is:

13 (1) one thousand **one hundred** dollars ~~(\$1,000)~~ **(\$1,100)** for a  
 14 major permit; and

15 (2) four hundred **forty** dollars ~~(\$400)~~ **(\$440)** for a minor permit;  
 16 plus the following annual discharge flow fee per facility based on  
 17 projected daily average flow in MGD as set forth in a facility NPDES  
 18 permit:

19	Projected Daily Average	
20	Flow in MGD	Fee
21	.001 - .05	<del>\$240</del> <b>\$264</b>
22	.051 - .1	<del>\$360</del> <b>\$396</b>
23	.101 - .2	<del>\$840</del> <b>\$928</b>
24	.201 - .3	<del>\$1,200</del> <b>\$1,320</b>
25	.301 - .5	<del>\$1,680</del> <b>\$1,848</b>
26	.501 - 1.0	<del>\$2,060</del> <b>\$2,266</b>
27	1.001 - 2.0	<del>\$3,600</del> <b>\$3,960</b>
28	2.001 - 5.0	<del>\$5,400</del> <b>\$5,940</b>
29	5.001 - 10.0	<del>\$8,400</del> <b>\$9,240</b>
30	10.001 - 15.0	<del>\$12,000</del> <b>\$13,200</b>
31	15.001 - 30.0	<del>\$16,800</del> <b>\$18,480</b>
32	30.001 - 50.0	<del>\$22,800</del> <b>\$25,080</b>
33	50.001 - 100.0	<del>\$28,800</del> <b>\$31,680</b>
34	> 100.0	<del>\$34,800</del> <b>\$38,280</b>

35 **(b) A state or local unit of government required to pay a fee**  
 36 **described in subsection (a) may only be charged a fee equal to**  
 37 **ninety-one percent (91%) of the amount of the fee described in**  
 38 **subsection (a).**

SECTION 14. IC 13-18-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 10. (a) For storm water permits for construction activity, a fee of one hundred dollars (~~\$100~~) shall be submitted with a notice of intent (NOI):

(b) For storm water permits for industrial activity, the annual fee is one hundred dollars (~~\$100~~):

(a) The following storm water permit fees shall be submitted with a notice of intent:

General storm water permits for construction activity	<b>\$200</b>
General storm water permits for industrial activity	<b>\$300</b>

(b) For storm water permits, the annual fees are as follows:

General storm water permits for construction activity	<b>\$200</b>
General storm water permits for industrial activity	<b>\$300</b>

SECTION 15. IC 13-18-20-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 10.5. For NPDES general permits not otherwise listed in this chapter, the annual fee is five hundred dollars (\$500) unless a lower fee is established in rules adopted by the water pollution control board.**

SECTION 16. IC 13-20-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. (a) **Except as provided in subsection (b),** for solid waste permits, the application fees are as follows:

New Permit or Major Modification	Fee
Sanitary Landfill	<del>\$31,300</del> <b>\$34,430</b>
Construction\	
Demolition Site	<del>\$20,000</del> <b>\$22,000</b>
Restricted Waste Site	
Type I	<del>\$31,300</del> <b>\$34,430</b>
Type II	<del>\$31,300</del> <b>\$34,430</b>
Type III	<del>\$20,000</del> <b>\$22,000</b>
Processing Facility	
Transfer Station	<del>\$12,150</del> <b>\$13,365</b>



1	Other	<del>\$12,150</del> <b>\$13,365</b>
2	Incinerator	<del>\$28,650</del> <b>\$31,515</b>
3	Waste Tire Storage	
4	Registration	<del>\$ 500</del> <b>\$550</b>
5	Waste Tire Processing	<del>\$ 200</del> <b>\$220</b>
6	Waste Tire	
7	Transportation	<del>\$ 25</del> <b>\$28</b>
8	Permit Renewal	
9	Sanitary Landfill	<del>\$ 15,350</del> <b>\$16,885</b>
10	Construction\	
11	Demolition Site	<del>\$ 7,150</del> <b>\$7,865</b>
12	Restricted Waste Site	
13	Type I	<del>\$ 15,350</del> <b>\$16,885</b>
14	Type II	<del>\$ 15,350</del> <b>\$16,885</b>
15	Type III	<del>\$ 7,150</del> <b>\$7,865</b>
16	Processing Facility	
17	Transfer Station	<del>\$ 2,200</del> <b>\$2,420</b>
18	Other	<del>\$ 2,200</del> <b>\$2,420</b>
19	Incinerator	<del>\$ 5,900</del> <b>\$6,490</b>
20	Waste Tire Processing	<del>\$ 200</del> <b>\$220</b>
21	Minor Modification	
22	Minor Modification	<del>\$ 2,500</del> <b>\$2,750</b>
23	<b>(b) A state or local unit of government required to pay a fee</b>	
24	<b>described in subsection (a) may only be charged a fee equal to</b>	
25	<b>ninety-one percent (91%) of the amount of the fee described in</b>	
26	<b>subsection (a).</b>	
27	SECTION 17. IC 13-20-21-4 IS AMENDED TO READ AS	
28	FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. (a) <b>Except as</b>	
29	<b>provided in subsection (b),</b> for solid waste, the annual operation fees	
30	are as follows:	
31	Fee	
32	Sanitary Landfill	
33	> 500 TPD	<del>\$35,000</del> <b>\$38,500</b>
34	250-499 TPD	<del>\$15,000</del> <b>\$16,500</b>
35	100-249 TPD	<del>\$ 7,000</del> <b>\$7,700</b>
36	<100 TPD	<del>\$ 2,000</del> <b>\$2,200</b>
37	Construction\	
38	Demolition Site	<del>\$ 1,500</del> <b>\$1,650</b>

1	Restricted Waste Site	
2	Type I	<del>\$35,000</del> <b>\$38,500</b>
3	Type II	<del>\$25,000</del> <b>\$27,500</b>
4	Type III	<del>\$10,000</del> <b>\$11,000</b>
5	Processing Facility	
6	Transfer Station	<del>\$ 2,000</del> <b>\$2,200</b>
7	Other	<del>\$ 2,000</del> <b>\$2,200</b>
8	Incinerator	
9	>500 TPD	<del>\$35,000</del> <b>\$38,500</b>
10	250-499 TPD	<del>\$15,000</del> <b>\$16,500</b>
11	100-249 TPD	<del>\$ 7,000</del> <b>\$7,700</b>
12	<100 TPD	<del>\$ 2,000</del> <b>\$2,200</b>
13	Infectious Waste	
14	Incinerator (>7 TPD)	<del>\$ 5,000</del> <b>\$5,500</b>
15	Waste Tire Storage	
16	Registration	<del>\$ 500</del> <b>\$550</b>
17	Waste Tire Transportation	
18	Registration	<del>\$ 25</del> <b>\$28</b>
19	Groundwater Compliance	
20	Sampling (per well)	<del>\$ 250</del> <b>\$275</b>
21	<b>(b) A state or local unit of government required to pay a fee</b>	
22	<b>described in subsection (a) may only be charged a fee equal to</b>	
23	<b>ninety-one percent (91%) of the amount of the fee described in</b>	
24	<b>subsection (a).</b>	
25	SECTION 18. IC 13-20-21-6, AS AMENDED BY P.L.218-2001,	
26	SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
27	JANUARY 1, 2005]: Sec. 6. (a) For solid waste, the disposal fees are	
28	as follows:	
29		Fee
30	Solid waste disposed into a	
31	municipal solid waste landfill per ton	<del>\$ 0.10</del> <b>\$0.20</b>
32	Solid waste disposed into a	
33	nonmunicipal solid waste landfill per ton	<del>\$ 0.10</del> <b>\$0.20</b>
34	Solid waste disposed	
35	into an incinerator per ton	<del>\$ 0.05</del> <b>\$0.10</b>
36	Solid waste disposed into a	
37	construction\demolition waste site per ton	<del>\$ 0.10</del> <b>\$0.20</b>
38	<b>(b) There is no solid waste disposal fee for solid waste disposed into</b>	

1 a solid waste landfill permitted to accept restricted waste solely  
 2 generated by the person to which the permit is issued."

3 Page 2, line 9, delete "Rules" and insert "**Subject to subsections (c)**  
 4 **and (d), rules**".

5 Page 2, between lines 18 and 19, begin a new paragraph and insert:  
 6 "**(c) A rule adopted under this section concerning incinerators**  
 7 **used as hazardous waste facilities may establish requirements that**  
 8 **are more stringent than a corresponding federal provision**  
 9 **established under federal law if:**

10 (1) a designee of the board presents evidence to the  
 11 environmental quality service council that indicates why the  
 12 rule should be more stringent than the corresponding federal  
 13 provision;

14 (2) the environmental quality service council makes a  
 15 recommendation to the general assembly that the rule should  
 16 be more stringent than the corresponding federal provision;  
 17 and

18 (3) the general assembly enacts a statute that authorizes the  
 19 board to adopt a rule that is more stringent than the  
 20 corresponding federal provision established under federal  
 21 law.

22 (d) If the environmental quality service council reviews a rule  
 23 adopted under this section that is more stringent than a  
 24 corresponding federal provision established under federal law and  
 25 the environmental quality service council believes the rule should  
 26 not be more stringent, the environmental quality service council  
 27 shall make a recommendation to the general assembly that the  
 28 general assembly should enact a statute to:

29 (1) void the rule; and

30 (2) require the board to adopt a rule that is not more stringent  
 31 than the corresponding federal provision established under  
 32 federal law.

33 SECTION 18. IC 13-22-4-3.1, AS AMENDED BY P.L.1-2001,  
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2004]: Sec. 3.1. (a) As used in this section, "acute  
 36 hazardous waste" has the meaning set forth in IC 13-11-2-1.5.

37 (b) A ~~person that:~~

38 (†) in any one (†) or more calendar months of a calendar year

generates:

(A) more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste;

(B) less than one (1) kilogram of acute hazardous waste; or

(C) less than one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste; or

(2) accumulates at least one thousand (1,000) kilograms of hazardous waste or less than one (1) kilogram of acute hazardous waste;

**small quantity generator** shall, before March 1 of each year, submit to the department on forms provided by the department a report, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

(c) A: ~~person that~~:

(1) in any one (1) **large quantity generator**; or more calendar months of a calendar year generates:

(A) more than one thousand (1,000) kilograms of hazardous waste;

(B) at least one (1) kilogram of acute hazardous waste; or

(C) at least one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste;

(2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or

(3) **(2) person that** is a treatment, storage, or disposal facility;

shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

SECTION 19. IC 13-22-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For hazardous waste, the application fees are as follows:

1	New Permit Application	
2		Fee
3	Land Disposal	<del>\$40,600</del> <b>\$44,660</b>
4	Incinerator (per unit)	<del>\$21,700</del> <b>\$23,870</b>
5	Storage	<del>\$23,800</del> <b>\$26,180</b>
6	Treatment	<del>\$23,800</del> <b>\$26,180</b>
7	Permit Renewal or	
8	Class 3 Modification	
9	Land Disposal	<del>\$34,000</del> <b>\$37,400</b>
10	Incinerator	<del>\$21,700</del> <b>\$23,870</b>
11	Storage	<del>\$17,200</del> <b>\$18,920</b>
12	Treatment	<del>\$17,200</del> <b>\$18,920</b>
13	Class 2 Modification	
14	Class 2 Modification	<del>\$ 2,250</del> <b>\$2,475</b>

15 SECTION 20. IC 13-22-12-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. For hazardous  
 17 waste, the annual operation fees are as follows:

18		Fee
19	Land Disposal	<del>\$37,500</del> <b>\$41,250</b>
20	Incinerator (per unit)	<del>\$10,000</del> <b>\$11,000</b>
21	Storage	<del>\$ 2,500</del> <b>\$2,750</b>
22	Treatment	<del>\$10,000</del> <b>\$11,000</b>
23	<b>Large Quantity</b> Generator	<del>\$ 1,565</del> <b>\$1,722</b>
24	<b>Small Quantity Generator</b>	<b>\$300</b>
25	Postclosure Activity	<del>\$ 1,500</del> <b>\$1,650</b>
26	Groundwater Compliance	
27	Sampling at active	
28	facilities (per well)	<del>\$ 1,000</del> <b>\$1,100".</b>

29 Page 2, line 23, delete "The" and insert "**Subject to subsections (d)**  
 30 **and (e), the**".

31 Page 3, after line 22, begin a new paragraph and insert:

32 "**(d) A rule adopted under this section may be more stringent**  
 33 **than a corresponding federal provision established under federal**  
 34 **law if:**

35 (1) a designee of the board presents evidence to the  
 36 environmental quality service council that indicates why the  
 37 rule should be more stringent than the corresponding federal  
 38 provision;

1           **(2) the environmental quality service council makes a**  
 2           **recommendation to the general assembly that the rule should**  
 3           **be more stringent than the corresponding federal provision;**  
 4           **and**

5           **(3) the general assembly enacts a statute that authorizes the**  
 6           **board to adopt a rule that is more stringent than the**  
 7           **corresponding federal provision established under federal**  
 8           **law.**

9           **(e) If the environmental quality service council reviews a rule**  
 10          **adopted under this section that is more stringent than a**  
 11          **corresponding federal provision established under federal law and**  
 12          **the environmental quality service council believes the rule should**  
 13          **not be more stringent, the environmental quality service council**  
 14          **shall make a recommendation to the general assembly that the**  
 15          **general assembly should enact a statute to:**

16               **(1) void the rule; and**

17               **(2) require the board to adopt a rule that is not more stringent**  
 18               **than the corresponding federal provision established under**  
 19               **federal law.**

20          **SECTION 22. IC 13-22-12-10 IS REPEALED [EFFECTIVE**  
 21          **JANUARY 1, 2005]."**

22          Renumber all SECTIONS consecutively.

(Reference is to HB 1671 as introduced.)

**and when so amended that said bill do pass.**

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Representative Bottorff